

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant regularly conducts business in the State of New Jersey, and as such personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Pennsville, New Jersey 08070.

6. Plaintiff is a “person” as that term is defined by 47 U.S.C. §153(39).

7. Defendant is a “person” as that term is defined by 47 U.S.C. § 153(39).

8. Defendant is a corporation with its principal place of business located at 1200 N. 7th Street, Harrisburg, Pennsylvania 17102.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Plaintiff has a cellular telephone number.

11. Plaintiff has only used this telephone number as a cellular telephone number.

1 12. Beginning in or around May or June 2014 and continuing through at
2 least December 2016, Defendant called Plaintiff on his cellular telephone number
3 on a repeated and continuous basis.
4

5 13. Defendant used an automatic telephone dialing system, automated
6 message and/or prerecorded voice when contacting Plaintiff.
7

8 14. Plaintiff knew that Defendant was using an automatic telephone
9 dialing system, automated message and/or prerecorded voice because many of the
10 calls would begin with a recording before one of Defendant's representatives came
11 on the line.
12

13 15. Defendant's telephone calls were not made for "emergency purposes."
14

15 16. Desiring to stop the repeated telephone calls, Plaintiff spoke with
16 Defendant's representatives and told them to stop calling him in or around May or
17 June 2014.
18

19 17. Once Defendant was informed that its calls were unwanted and to
20 stop, there was no lawful reason to making further calls, nor was there any good
21 faith reason to place calls.
22

23 18. Defendant heard and acknowledged his request to stop calling.
24

25 19. However, Defendant failed to update its records to restrict telephone
26 calls to Plaintiff's cellular telephone.
27
28

1 20. Rather, Defendant continued to call Plaintiff on his cellular telephone
2 multiple times per month.

3 21. It was frustrating and annoying for Plaintiff to receive such continuous
4 and repeated telephone calls from Defendant.
5

6 22. Upon information and belief, Defendant conducts business in a
7 manner which violates the TCPA.
8

9
10 **COUNT I**
11 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER**
12 **PROTECTION ACT**

13 23. Plaintiff incorporates the forgoing paragraphs as though the same were
14 set forth at length herein.

15 24. Defendant initiated multiple automated telephone calls to Plaintiff's
16 cellular telephone number.

17 25. Defendant's initiated these automated calls to Plaintiff using an
18 automatic telephone dialing system.
19

20 26. Defendant repeatedly placed non-emergency calls to Plaintiff's
21 cellular telephone.

22 27. After Plaintiff told Defendant to stop calling, Defendant knew or
23 should have known it did not have consent to call and/or that any consent it
24 thought it had was revoked.
25
26

1 28. Defendant's acts as described above were done with malicious,
2 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
3 under the law and with the purpose of harassing Plaintiff.
4

5 29. The acts and/or omissions of Defendant were done unfairly,
6 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
7 lawful right, legal defense, legal justification or legal excuse.
8

9 30. As a result of the above violations of the TCPA, Plaintiff has suffered
10 the losses and damages as set forth above entitling Plaintiff to an award of
11 statutory, actual and trebles damages.
12

13
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff, YASIN KNIGHT, respectfully prays for a judgment
16 as follows:

- 17 a. All actual damages suffered pursuant to 47 U.S.C. §
18 227(b)(3)(A);
19
20 b. Statutory damages of \$500.00 per violative telephone call
21 pursuant to 47 U.S.C. § 227(b)(3)(B);
22
23 c. Treble damages of \$1,500.00 per violative telephone call
24 pursuant to 47 U.S.C. §227(b)(3);
25
26 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); and
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28

1 e. Any other relief deemed appropriate by this Honorable Court

2
3 **DEMAND FOR JURY TRIAL**

4
5 PLEASE TAKE NOTICE that Plaintiff, YASIN KNIGHT, demands a jury
6 trial in this case.

7
8 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

9
10 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in
11 controversy is not subject to any other action pending in any court, arbitration or
12 administrative proceeding.

13
14
15 RESPECTFULLY SUBMITTED,

16 Dated: January 5, 2018 By: /s/ Amy L. Bennecoff Ginsburg
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